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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 ANGEL FRALEY; PAUL WANG; SUSAN
14 MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
15 Litem; and W.T., a minor, by and through
RUSSELL TAIT, as Guardian ad Litem;
16 individually and on behalf of all others
similarly situated,

17 Plaintiffs,

18 v.

19 FACEBOOK, INC., a corporation; and DOES
20 1-100,

21 Defendants.

Case No. 11-CV-01726 RS

**DECLARATION OF CHRISTOPHER
PLAMBECK IN SUPPORT OF JOINT MOTION
FOR PRELIMINARY APPROVAL OF REVISED
SETTLEMENT**

DATE: October 25, 2012
TIME: 1:30 p.m.
DEPT.: 3
JUDGE: Hon. Richard Seeborg

1 I, Christopher Plambeck, hereby declare as follows:

2 1. I am employed as Director, Monetization Analytics, for Defendant Facebook, Inc.
3 (“Facebook”). I have been employed by Facebook for more than two years. In my current role, I
4 manage a team responsible for supporting various business functions, including partnering with
5 product and engineering teams to provide data insights about Facebook’s business strategy and
6 products. Based on my overall experience working for Facebook, I also have general knowledge
7 of the functioning and layout of the Facebook website, certain of the data that Facebook
8 maintains, and Facebook’s marketing products, including Sponsored Stories. I have personal
9 knowledge of the facts set forth herein, and, if called as a witness, I could and would competently
10 testify thereto.

11 2. Facebook logs and maintains certain data in order to operate and analyze the
12 functioning and performance of the Facebook website. Much of this data is generated by
13 Facebook’s users (“Users”), who upload and share content—status updates, profiles, photographs,
14 videos, comments, messages, and more—all of which Facebook stores for the use of its Users.
15 Facebook’s Users generate an average of 2.7 billion “Likes” and comments each day, and
16 Facebook currently stores more than 100 petabytes (100,000 terabytes or 100 quadrillion bytes)
17 of photos and videos.

18 3. The statements that follow are based on my review of the data that Facebook
19 maintains in the ordinary course of its business, and, in some instances, the queries performed of
20 that data.

21 **Name and Profile Picture Changes**

22 4. Facebook requires Users to enter their name in their basic profile information.
23 Facebook also gives Users the ability to upload and select profile pictures, which Users may
24 change at any time. A Profile picture is not required to be an actual image of the User, and some
25 Users do not use photos of themselves as their profile pictures.

26 5. To the best of my knowledge, Facebook has no practical ability to verify whether
27 (i) each User has supplied his or her legal name, or a derivative thereof, or whether the provided
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1 name otherwise bears any relation to the User's actual name; or (ii) each User's profile picture
2 contains his or her likeness.

3 **Sponsored Story Impressions**

4 6. Facebook's records indicate that, between January 25, 2011, and August 15, 2011,
5 more than 115 billion Sponsored Story impressions in which a User's name or profile picture
6 appeared were delivered to Users who Facebook can reasonably ascertain were located in United
7 States.

8 **Information Regarding Class**

9 7. Facebook's records indicate that, between January 25, 2011 and August 31, 2012,
10 approximately 123,868,976 Users who Facebook can reasonably ascertain were located in the
11 United States appeared in Sponsored Stories. Approximately 19,761,991 of these Users appear to
12 have been under the age of 18, based on User-supplied birthdates.

13 8. Of the approximately 123.9 million Users noted in Paragraph __ above,
14 approximately 119 million of them appear to be active users based on Facebook's records. There
15 is at least one email address associated with each of these accounts. For deleted accounts,
16 Facebook does not have their email addresses. For approximately 11.1% of the 123.9 million
17 User accounts, Facebook has received at least one "bounce-back" message when an email was
18 sent to an email address associated with the account. However, there may be overlap between the
19 approximately 11.1% of accounts for which Facebook received "bounce-back" messages, on the
20 one hand, and the approximately 4.9 million User accounts that are deleted or disabled.

21 **Revenue**

22 9. Facebook's records indicate that, between January 25, 2011 and August 31, 2012,
23 the amount charged for Sponsored Stories in which a User's name and/or profile picture appeared
24 and that were delivered to Users that Facebook can reasonably ascertain are located in the United
25 States, before any discounts or credits, was \$233,792,612.

26 **User Visits to Help Center Pages**

27 10. Facebook's records indicate that, between October 15, 2011 and March 12, 2012,
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the following number of Users who Facebook can reasonably ascertain were located in the United States visited the specified pages in the Facebook Help Center: (i) 105,423 unique Users visited the “Interacting with Ads and Sponsored Stories” webpage, located at <https://www.facebook.com/help/?page=226611954016283>; and (2) 32,633 unique Users visited the “Sponsored Stories” webpage, located at <https://www.facebook.com/help/?page=213208552035450>.

Friend Data

11. Facebook allows—but does not require—Users to indicate if they are related to other Facebook Users. As of December 27, 2011, Facebook’s records indicate that over 6 million Users who Facebook can reasonably ascertain are located in the United States, and whose User-supplied birthdates indicate they are under the age of 18, are Friends with one or more Users who they have indicated are their parents.

Page “Like” and “Unlike” Data

12. Through privacy settings, Facebook allows Users to specify whether certain categories of their Facebook Page Likes will be shown publicly, only to their Friends, to a custom group of Friends, or to “Only Me.” The “Only Me” setting means that a User’s Page Likes are visible only to the User him/herself.

13. Facebook’s records indicate that, as of April 7, 2012, more than 5 million Users who Facebook can reasonably ascertain were located in the United States had set their privacy settings for at least one category of their Page “Likes” to “Only Me.” Facebook’s records indicate that over 650,000 of these Users were under the age of 18, as of April 7, 2012.

14. Facebook’s records for just 10 selected Pages indicate that, between June 1, 2011, and December 31, 2011, Users “Unliked” these 10 selected Facebook Pages more than 1.3 million times. (The Facebook Pages reviewed were for Walmart, Tough Mudder, ESPN, Levi’s, Warrior Dash, Kohl’s, Sony Electronics, AT&T, Captain Morgan, and Tide.) Based on sampled data, Facebook’s records also indicate that, between July 1, 2011, and December 31, 2011, Users worldwide “Liked” more than 20 billion pages and “Unliked” more than 2 billion Pages.

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: October 5, 2012

COOLEY LLP

/s/ Michael G. Rhodes
Michael G. Rhodes

Attorneys for Defendant Facebook, Inc.